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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

FERNANDO MAZON,

Defendant and Appellant.

F056034

(Super. Ct. No. F07906870)

Fresno County

**ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on October 30, 2009, be modified as follows:

1. On page 17, the last sentence of footnote 5, insert the word “not” before the word “interposing.” The modified sentence will read as follows:

Under these circumstances, trial counsel cannot be faulted for not interposing a motion for mistrial.

Except for the modification set forth, the opinion previously filed remains unchanged.

This modification does not effect a change in the judgment.

HILL, J.

I CONCUR:

CORNELL, Acting P.J.